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RHFMISS/AFSOUTH NAPLES IT PRIORITY
RHMFISS/CDR TF FALCON PRIORITY
RHEFDIA/DIA WASHDC PRIORITY
RUEKJCS/SECDEF WASHINGTON DC PRIORITY
RUEPGEA/CDR650THMIGP SHAPE BE PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 03 PRISTINA 000694

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DEPT FOR DRL, INL, EUR/SCE
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TAGS: [KDEM](#) [PGOV](#) [PINR](#) [PREF](#) [PHUM](#) [SOCI](#) [KV](#) [UNMIK](#)

SUBJECT: KOSOVO: USOP INTERVENTION STOPS SERB PROPERTY
CRISIS IN KLINA - AGAIN

REF: PRISTINA 616

Classified By: Chief of Mission Tina Kaidanow for reasons 1.4 (b), (d)

¶1. SUMMARY (C) Despite USOP's recent intervention in a pair of property disputes involving Kosovo Serbs in Klina (reftel), the municipal government has since attempted to repossess the property known as the "Youth Center." After initial attempts to use expropriation (similar to eminent domain in U.S. law), the municipality declared the building illegally constructed and ordered it demolished on September ¶3. After heavy pressure from USOP and senior Albanian politicians acting at our request, the municipality agreed to halt its attempt to demolish the building, but additional pressure from USOP was then required to stop yet another action - the charging and arrest of the Serb occupant for "forgery." We will continue to monitor the situation to make certain the municipality respects the property rights, as recognized by the Kosovo Property Agency (KPA), of the Kosovo Serb in question, especially in this sensitive time of final status resolution. END SUMMARY.

A SHORT HISTORY OF THE "YOUTH CENTER"

¶2. (SBU) The property in question has been at the center of several legal disputes going back for the last 13 years. Sasa Radosavljevic, the current occupant of the property, attempted to build upon it in both 1994 and 1996, but was prevented from doing so by the municipality. In 1998, he secured possession rights and a construction permit, and began building a house, which he abandoned half-finished in 1999 during the NATO air campaign. According to UNMIK Peja/Pec Regional Hub Director Luis Perez-Segnini, the municipality occupied the property in 2002 and transformed it into the "Youth Center," allowing an Italian NGO ("Movimondo") to set up an office there in 2006.

THE PROPERTY CLAIM

¶3. (SBU) Radosavljevic filed a claim with UNMIK's Housing and Property Directorate (HPD) in 1999; he and his family were then staying in a refugee center in Nis, Serbia. The

Housing and Property Claim Commission (HPCC) ruled in Radosavljevic's favor on February 13, 2004. The municipality had the opportunity to appeal; it did, and the HPCC again found in Radosavljevic's favor on March 19, 2007. Soon after, Radosavljevic asked the Kosovo Property Agency (KPA), the successor organization to the HPCC, to enforce the decision. After a drawn-out process and several public refusals to allow him back into the property, USOP pressure helped convince the municipality to hand over the keys on August 14, 2007 (reftel). The municipality, however, continues to claim that Radosavljevic forged his building permit from 1998. (Note: The KPA saw all documents relating to this property, and took them into account before issuing both the initial decision and the refusal of the municipality's appeal. End Note.)

ROUND TWO

14. (C) Despite the pressure it had received from the PISG, the international community, and USOP, the municipality renewed efforts to take control of the property on August 10, even before Radosavljevic reoccupied it, attempting first to employ expropriation. Similar to eminent domain under U.S. law, expropriation cases in Kosovo often take a long time to complete and require compensatory payment to affected property holders. In mid-August, the municipality changed tack, and began a separate effort to demolish the building. Only one day after the Klina mayor and CEO assured poloff that they were committed to the "legal process" of expropriation, municipal building inspectors visited the site August 24, demanding to see building permits and other documents. Radosavljevic refused to deal with them; when he failed to produce documentation, they then wrote a report

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declaring the property illegally constructed and recommending demolition. Subsequent to this, the municipality said it was abandoning its expropriation case and going forward with demolition; a demolition order was filed on September 3, giving Radosavljevic 15 days to demolish the building or face action.

USOP INTERVENES AGAIN...AND AGAIN

15. (C) After COM weighed in with Assembly Speaker Kole Berisha, who is from Klina, and LDK General Secretary Rame Manaj (a former mayor of Klina) to ask them to intervene with the municipality, USOP met Klina Mayor Prenke Gjetaj and CEO Shpen Trdevaj on September 6 to request that they again cease efforts to control the property. They promised to drop the demolition order, but "only until the resolution of Kosovo final status." Despite this, on September 11, USOP received word that the municipality had charged Radosavljevic with forgery and was threatening to arrest him; during a subsequent USOP phone call to the mayor inquiring about this (and warning him against such an action), the mayor told us, incredibly, "we only had an agreement about the building itself," before agreeing to refrain from arresting Radosavljevic.

BAD TRENDS

16. (C) In a separate development in this case, the Danish Refugee Council (DRC), an NGO active in assisting Serb returnees in Klina, told us September 11 that they had decided against the planned return of Radosavljevic's wife and children to Klina because of security concerns. This decision was made after consultation with municipal CEO Trdevaj, who reiterated the municipality's assertion that Radosavljevic's documents were forged. The general security situation for Serbs living in the town center of Klina has deteriorated in recent weeks; in August, unknown assailants stoned the home of a recently-returned Serb family (on August 23, the owner showed poloff a pile of rocks he collected after the attack), and on September 5 unknown assailants threw stones at an elderly Serb woman outside her home. In

both cases, the KPS responded, but no assailants have been identified to date.

17. (C) These cases continue a pattern of violence against Serbs in the town of Klina; in December 2006, a grenade and firearm attack damaged the home of a elderly Serb woman; another Serb returnee living in Klina and awaiting enforcement of a KPA decision was staying with her at the time. (Note: While the municipality itself has not, of course, been linked to these attacks, the Mayor and CEO warned USOP September 6 that they will find it difficult to restrain local residents from responding with anger, if these outstanding property cases are not "decided fairly." We pushed back on this strongly. End Note.)

18. (C) Comment: The municipal authorities in Klina have consistently claimed that they are only trying to uphold the law and act in the best interests of their constituents, but their actions have been very damaging to Kosovo's image during the critical period of Troika-led negotiations. The municipality's relentless effort to drive out Radosavljevic was initially framed in the context of saving the "Youth Center," but the true goal appears to be control of this property by any means. While this is only one case in one municipality, it does have an effect on Serbs seeking to reoccupy their properties through the KPA process. USOP continues to be at the forefront, with our ICO partners, in fighting back against unjust and illegal attempts by Kosovar Albanian authorities to expropriate Serb property or to violate the Ahtisaari-delineated "Special Protection Zones" around Serb cultural monuments and religious sites. We will continue to follow this case in particular to make certain that KPA decisions are respected and Serb families receive their due. End comment

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